KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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E-File: 09/01/2011

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

IN RE: **MICHAEL D SELVICK** Debtor(s).	**Chapter 13** **BKS-11-15299-LBR** **MOTION TO DISMISS** **MOTION TO DISMISS** Hearing Date: November 17, 2011 Hearing Time: 2:00 pm

   Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee in the above captioned bankruptcy case and for her motion states and alleges as follows:

   1. Debtor(s) filed an Original Petition under Chapter 13, Title 11 of the United States Code on April 08, 2011.
   2. Chapter 13 Plan was confirmed by the Court on 06/30/2011.
   3. Balance on hand at the time of filing this motion is $250.00.
   4. The Trustee requests that this case be dismissed pursuant to 11 U.S.C. § 1307 (c) for one or more of the following reasons, to wit:
    (c) For cause,
(c)(6) Material default by the debtor with respect to a term of a confirmed plan to wit:

  • Failure to make plan payments
    The last payment by the debtor(s) was made on 09/01/2011 and the debtor(s) is $0.00 in default under the terms of the current plan. Accordingly, Trustee requests an Order dismissing the case unless the debtor(s) **EITHER:**
      A. cure(s) the default **AND** remain(s) current with all future payments coming due, **OR**
      B. file a Modified Plan.

  • Other: The Plan is underfunded; payments need to increase to approximatelyl $610 starting October 2011.

  • Trustee Claim #43, HAINES & KRIEGER LOAN MODIFICATION TRUST, $3500, provided for in the Plan, but no Proof of Claim was filed.
  • Trustee Claim #38, UNITED STATES TREASURY, $3500, provided for in the Plan, but no Proof of Claim was filed.

   WHEREFORE, the Trustee prays the Court issue an order dismissing the within case for the

1 reasons as stated above and that expenses in the amount of $0.00 be allowed in this case.

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3   /s/ KATHLEEN A LEAVITT
                                            _____
4 DATED: 9/1/2011   Kathleen A. Leavitt
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